

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

1) VIDEO GAMING TECHNOLOGIES, INC., )  
  )  
  )  
  )  
Plaintiff, )  
  )  
  )  
v.   ) Case No. 4:17-cv-00454-GKF-jfj  
  )  
  )  
1) CASTLE HILL STUDIOS LLC ) **REDACTED**  
(d/b/a CASTLE HILL GAMING); )  
2) CASTLE HILL HOLDING LLC )  
(d/b/a CASTLE HILL GAMING); and )  
3) IRONWORKS DEVELOPMENT, LLC )  
(d/b/a CASTLE HILL GAMING) )  
  )  
Defendants. )

**PLAINTIFF'S SUPPLEMENTAL BRIEF IN SUPPORT OF  
ITS MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiff Video Gaming Technologies, Inc. (“VGT”) submits this supplemental brief to advise the Court of recently discovered evidence related to the briefing on VGT’s motion for leave to file an amended complaint (Dkt. No. 73).

In opposing VGT’s motion and in an attempt to suggest that VGT’s claims of trade secret misappropriation lack merit, Defendants repeatedly asserted that they did not misappropriate any of VGT’s source code. *See* Dkt. No. 79 at 1–4. Although VGT’s claims of trade secret misappropriation are not (and have never been) limited to source code, but rather include other trade secrets, such as [REDACTED] that Defendants misappropriated (*see* Dkt. No. 87 at 1–2, 6–7), recently produced documents confirm that Defendants’ employees did, in fact, take source code from VGT.

In a recently produced text conversation between former VGT engineers who are now employed by Defendants, one engineer wrote: [REDACTED]

[REDACTED] Decl. of Michael S. Sawyer in Support of Pl.'s Suppl. Br. ("Sawyer Decl."), Ex. T, at CHG0124581. The other engineer responded,

[REDACTED] *Id.* [REDACTED]  
[REDACTED].) Although that engineer said that [REDACTED] to VGT, *id.*, he also repeatedly suggested using [REDACTED]. See Sawyer Decl. Ex. U, at CHG0126287 [REDACTED]"); Sawyer Decl., Ex. V, at CHG0126311 [REDACTED]  
[REDACTED].

While VGT is continuing to investigate the matter, this recently discovered evidence raises questions about the statements made in Defendants' opposition brief, as well as in Defendants' discovery responses. VGT has sought additional discovery from Defendants, including documents and code (which VGT has not yet received) and the depositions of the two engineers (which are scheduled for July 10 and 13), in order to ascertain all of the facts. VGT, however, wanted to promptly apprise the Court of this development so that the Court has a complete record when considering VGT's motion for leave to amend.

Dated: July 10, 2018

Respectfully submitted,

/s/ Gary M. Rubman

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 10, 2018, I filed the foregoing via CM/ECF, which caused the foregoing to be served on the following counsel for Defendants:

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